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DEPARTMENT OF PLANNING AND LAND USE

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MITIGATED NEGATIVE DECLARATION

Project Name: York Drive Major Subdivision (5 lots)

Project Number(s): TM5443; ER05-08-019

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the
Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for:

Stormwater Management Plan
Drainage Study

1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment.

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has

reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

PLANS AND SPECIFICATIONS

(Street Improvements and Access)

1. Standard Conditions 1 through 10.
 - a. Improve or agree to improve and provide security for the project side of York Drive along the project frontage in accordance with Public Road Standards for a Residential Collector, to a one-half graded width of thirty feet (30') from centerline and to an improved width of twenty feet (20') from centerline with asphalt concrete pavement over approved base with

Portland cement concrete curb, gutter and sidewalk, with face of curb at twenty feet (20') from centerline to the satisfaction of the Director of Public Works.

- b. Improve or agree to improve and provide security for the Happy Daze Lane, to a graded width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with asphalt concrete pavement over approved base with asphalt concrete dike at twelve feet (12') from centerline. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply to the satisfaction of the Director of Public Works.
- c. Happy Daze Lane, shall terminate with a cul-de-sac graded to a radius of forty feet (40') and surfaced to a radius of thirty-six feet (36') with asphalt concrete pavement over approved base with asphalt concrete dike with face of dike at thirty-six feet (36') from the radius point to the satisfaction of the Director of Public Works and the Vista Fire Protection District.
- d. The subdivider shall construct to the satisfaction of the Director of Public Works, a public street lighting system that complies with the following to the satisfaction of the director of public works: [DPW - Development Review Section]
 - (1) All fixtures shall use a high pressure sodium (HPS) vapor light source unless within 15 miles radius of Palomar or Mount Laguna observatories in which case fixtures shall use a low pressure sodium vapor light source.
 - (2) Deposit with the County of San Diego, through the Department of Public Works, a cash deposit sufficient to:
 - o Energize, maintain and operate the street lighting system until tax revenues begin accruing from the subdivision for those purposes.
 - o Pay the cost to process lighting district administration of this project. After recording of the Final Map, the subdivision shall be transferred without notice or hearing, to Zone A of the lighting district to operate and maintain the system.
- e. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45

degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.

- f. A Registered Civil Engineer, Registered Traffic Engineer, or Licensed Land Surveyor shall provide a certified signed statement that, "physically, there is a minimum unobstructed sight distance in both directions along

York Drive from Happy Daze Lane, for the prevailing operating traffic speed on York Drive per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards (approved July 14, 1999)", to the satisfaction of the Director of Public Works. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that, "said lines of sight fall within the existing right-of-way and a clear space easement is not required."

- h. Where height of downsloping bank for a 2:1 slope is greater than twelve feet (12'); or where height of downsloping bank for a 1.5:1 slope is greater than ten feet (10'), guardrail shall be installed per CALTRANS standards to the satisfaction of the Director of Public Works.

(Drainage and Flood Control)

- 3. Standard Conditions 13 through 18.
- 4. Specific Conditions:
 - a. The private storm drain system from storm drain cleanout -TYPE "A-5" adjacent to west side of York Drive right-of-way thence westerly, including bioswale and curb inlet with filter basket at the cul-de-sac, shall be privately maintained by a private maintenance mechanism such as a homeowners association or other private entity acceptable to the satisfaction of the Director of Public Works.
 - b. The 100-year flood line of the natural channels crossing all lots with drainage watersheds in excess of twenty-five (25) acres shall be clearly delineated on the non-title information sheet of the Final Map.

(Grading Plans)

- 5. Standard Conditions 19(a-e).
- 6. Specific Conditions:

- a. For the duration of this project-Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9926) and all other applicable ordinances and standards. This includes requirements for **Low Impact Development (LID)**, materials

and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than one (1) acre require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

- b. All of the work described above pertaining to erosion control, irrigation system, slope protection, drainage systems, desilting basins, energy dissipators, and silt control shall be secured by an Instrument of Credit in a form satisfactory to County Counsel for an amount equal to the cost of this work as determined or approved by the County Department of Public Works, in accordance with the County of San Diego Grading Ordinance. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County Department of Public Works by the date agreed. The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.

DEVELOPMENT IMPACT FEES

7. Specific Conditions:

- a. Deposit with the County Department of Public Works sufficient funds to cover the cost of inspection of the project's improvements.

FINAL MAP RECORDATION

(Streets and Dedication)

8. Specific Conditions:

- a. With the Final Map, dedicate the project half of York Drive along the project frontage in accordance with Public Road Standards for a Residential Collector to a one-half width of thirty feet (30'), together with right to construct and maintain slopes and drainage facilities including easement over TYPE "A-5" Clean Out adjacent to west side of York Drive right-of-way to the satisfaction of the Director of Public Works.
- b. Because private roads are approved as a condition of this subdivision, the following shall apply:
 - (1) Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
 - (2) The Director of Public Works shall be notified as to the final disposition of title (ownership) to Happy Daze Lane, and place a note on the Final Map as to the final title status of said-road.
 - (3) Access to each lot shall be provided by private road easement not less than forty feet (40') wide.
- c. Prior to approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- d. The Basis of Bearings for the Subdivision Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. To be in compliance with the Public Resources Code, all Subdivision Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.
- e. If conducted prior to January 1, 2000, a survey for any Subdivision Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid

distances shall be shown on the map, all to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.506(j)).

If conducted after December 31, 1999, a survey for any Subdivision Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order

accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.

For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's/engineer's certificate as shown on the final map.

9. Specific Hazard Conditions [DPLU]:

- a. Prior to recordation of the Final Map, the Subdivider shall provide evidence to the satisfaction of the Director of Planning and Land Use that the garage located on-site as shown on the approved Tentative Map dated _____, has been removed, relocated onsite, or demolished.
[DPLU,FEE]
 - (1). Evidence shall be a signed stamped statement from a registered professional; Engineer, Surveyor, Contractor, which states, that the structures have been removed, relocated onsite, or demolished. The letter report shall also include before and after pictures of the area and structure(s).
 - (2). Prior to any demolition of the structures, the Subdivider shall obtain a Demolition Permit from DPLU Building Division. Prior to issuance of the Demolition Permit, the subdivider shall comply with conditions C.9.b and C.9.c to determine the presence or absence of Lead Based Paints and or Asbestos.
- b. Prior to recordation of the Final Map, and prior to commencement of demolition of the garage located on-site as shown on the approved Tentative Map dated _____, the Subdivider shall submit evidence to the satisfaction of the Director of Planning and Land Use, that a survey was

performed by a California Department of Health Services (DHS) certified lead inspector/risk assessor to determine the presence or absence of lead based paint (LBP) located on the garage portion of the site. The following conditions only apply if lead containing materials are found present:
[DPLU, FEE X 2]

- (1). All lead containing materials shall be managed in accordance with applicable regulations including, at a minimum, the hazardous waste disposal requirements (Title 22 California Code of Regulations [CCR] Division 4.5), the worker health and safety requirements (Title 8 California Code of Regulations Section 1532.1), and the State Lead Accreditation, Certification, and Work Practice Requirements (Title 17 CCR Division 1, Chapter 8).
- (2). All lead containing materials scheduled for demolition must comply with applicable regulations for demolition methods and dust suppression.
- (3). To the satisfaction of the Director of Planning and Land Use, the permittee shall submit a letter or report, which certifies that all lead containing materials have been remediated pursuant to code sections referenced above.

- c. Prior to recordation of the Final Map, and prior to commencement of demolition of the garage located on-site as shown on the approved Tentative Map dated , the subdivider shall submit evidence to the satisfaction of the Director of Planning and Land Use, that a facility survey has been performed to determine the presence or absence of Asbestos Containing Materials (ACMs). Suspect materials that will be disturbed by the demolition or renovation activities shall be sampled and analyzed for asbestos content, or assumed to be asbestos containing. The survey shall be conducted by a person certified by Cal/OSHA pursuant to regulations implementing subdivision (b) of Section 9021.5 of the Labor Code, and shall have taken and passed an EPA-approved Building Inspector Course. Evidence of completion of the facility survey shall consist of a signed, stamped statement from the person certified to complete the facility survey indicating that the survey has been completed and that either regulated asbestos is present or absent. If regulated asbestos is present, the letter shall describe the procedures that will be taken to remediate the hazard. The following conditions only apply if asbestos containing materials are present: **[DPLU, FEEX2]**

- (1). Asbestos containing materials shall be handled in compliance with the San Diego County Air Pollution Control District Rule 361.145 – Standard for Demolition and Renovation.
- (2). To the satisfaction of the Director of Planning and Land Use, the Subdivider shall submit a letter or report, which certifies that all Asbestos Containing Materials have been remediated pursuant to code sections referenced above.

PLANNING AND ZONING ADMINISTRATION

10. Specific Conditions:

- a. Prior to the issuance of a grading permit, the subdivider shall obtain approval from the Director of Planning and Land Use of a detailed Landscape Plan. The Landscape Plan and review fee shall be submitted to the Regulatory Planning Division. Said Plan shall show the types and locations of all landscaping features including planting and irrigation. The landscape material shall not interfere with any required solar access (plans shall show the proposed solar access/solar panel locations).
[DPLU - Regulatory Planning Division]

In addition, the Landscape Plan shall address the following concern(s):

- (1) “Prior to approval of a Final Map, the subdivider shall provide evidence that all existing structures shown on the Tentative Map “to be removed or relocated on the site” have been removed/relocated to the satisfaction of the Director of Public Works.”

WAIVERS AND MODIFICATIONS:

These recommendations are pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public Road and Private Road Standards, and all other required ordinances of San Diego County except for a waiver or modification of the following:

a. Standard Conditions for Tentative Maps:

- (1) Standard Condition 10.a: Said condition states that all fixtures shall use a low pressure sodium (LPS) vapor light source. This waiver/modification requires use of high pressure sodium (HPS) vapor light source unless within 15 miles radius of Palomar or Mount Laguna observatories (in which case fixtures shall use a low pressure sodium vapor light source)

pursuant to direction from the Board of Supervisors [statement of proceedings of 1-29-03].

- (2) Standard Condition 11: Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.
- (3) Standard Condition 12: Said condition states that the Final Map may require dedication of Riding and Hiking Trail system. The Final Map for this project is not required any Riding and Hiking Trail.
- (4) Standard Condition 27.1: Said condition states that the Final Map may be filed as units or groups of units. The Final Map for this project is required to include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.

b. County Public Road and Private Road Standards:

- (1) Section 6.1.C requires a non-Circulation Element roads entering into a non-Circulation Element Road shall have their centerline separated by at least 200 feet. This waiver will permit private easement road, proposed driveway on Lot 1 and on-site private road along York Drive to have the centerlines separation of approximately one hundred fifty five feet (155').

NOTE: A modification request for redaction of centerline separations between the driveway and centerline of Happy Daze Lane along York Drive is supported by DPW, dated August 7, 2007.

c. County Subdivision Ordinance design requirements:

- (1). Section 84.401 (i); requires a minimum lot depth of 90 feet and shall be no greater than three times the average width. The waiver will permit the depth of lot 4 to be greater than three times the average width. The lot is a conical shape and, taking measurement from the widest point of the lot only, the 3:1 ratio can be considered to be met.

(Miscellaneous)

The following shall be the Mitigation Monitoring or Reporting Program for 3100-5443; York Drive.

Mitigated Negative Declaration

Public Resources Code Section 21081.6 requires the County to adopt a Mitigation Reporting or Monitoring Program for any project that is approved on the basis of a mitigated Negative Declaration or an Environmental Impact Report for which findings are required under Section 21081(a)(1). The program must be adopted for the changes to a project which the County has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment. The program must be designed to ensure compliance during project implementation.

The Mitigation Monitoring Program is comprised of all the environmental mitigation measures adopted for the project. The full requirements of the program (such as what is being monitored, method and frequency, who is responsible, and required time frames) are found within the individual project conditions. These conditions are referenced below by category under the mechanism which will be used to ensure compliance during project implementation.

A. Subsequent Project Permits

Compliance with the following conditions is assured because specified subsequent permits or approvals required for this project will not be approved until the conditions have been satisfied:

9. a, b, and c

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Rosemary Rowan, Planning Manager
Project Planning Division

RR:kh